

## **REMARKS**

### **Restriction Requirement**

In the Restriction Requirement mailed January 10, 2007, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-17, drawn to an apparatus and system of a node and associated hardware, classified in class 712, subclass 214.
- II. Claims 18-36, drawn to partitioning a program into groups of instructions, classified in class 712, subclass 13.

The Applicant elects, without traverse, Group II, claims 18-36. The Applicant respectfully cancels claims 1-17 (Group I) without prejudice or disclaimer, and reserves the right to reintroduce them in one or more Divisional applications at a later date.

### **Claims 28-36 and the Term "Data"**

The Office has requested clarification regarding the term "data" used in the preamble of claims 28 and 31-36. As the Office has surmised, the term "data" was meant to include instructions, as well as any other information that can be used to direct a machine to perform various activities. The term "data" was originally used instead of the term "instructions" primarily because that term is already used extensively in the body of the independent claim, and having the same term used to represent two different sets of instructions could be confusing.

To alleviate the concern expressed by the Office, the Applicant has amended claims 28 and 31-36 so that the term "data" is replaced with the term "information", which includes instructions. As noted in the Application, computer storage media can be used to store "information such as computer-readable instructions, data structures, program modules or other data." Application, pg. 14, lines 8-10. Thus, the amendment is fully supported by the Application as-filed, and no new matter has been added.

**CONCLUSION**

The Applicant believes that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the Applicant's attorney at (210) 308-5677 to facilitate prosecution of this Application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

DOUG BURGER ET AL.

By their Representatives,

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Date March 8, 2007

By Mark V. Muller /

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of March 2007.

PATRICIA A. HULTMAN

Name

  
Signature